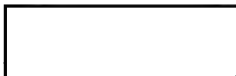


DD/A Registry

File 0 + 112-2

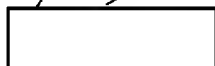
STATINTL



OGC Has Reviewed

STATINT Because of the original tight deadline, arrangements were made through the Comptroller's Office to check with [redacted] concerning the possibility of a new suspense date. He looked into the situation, later reported that OMB was quite "relaxed" about the timing, and he did authorize a somewhat indefinite extension. He did not specify a new due date.

STATINTL



STATINT Executive Officer to the DD/A [redacted]

18 Oct 74

STATINT EO-DD/A: [redacted] msg (18 Oct 74)

Distribution:

Orig RS - Adse

1 - DD/A Subject w/background (DD/A 74-4071)

STATINT NOTE: This in response to [redacted] call re how extension on suspense established.

CLASSIFIED

USE ONLY

CONFIDENTIAL

SECRET

## ROUTING AND RECORD SHEET

Approved For Release 2003/06/05 : CIA-RDP84-00780R005800130011-5

SUBJECT: (Optional) Protection of Personal Privacy in Federal Information Systems				
FROM: John F. Blake Deputy Director for Administration		EXTENSION	NO.	
			DATE 17 OCT 1974	
TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		
1. Director of Central Intelligence				<p>Sir:</p> <p>The attached letter for your signature is submitted as your response to Dr. Marik, OMB, concerning the subject circular, which was thoroughly reviewed by and discussed with representatives from OGC, OLC, Personnel, Security and ISAS. Your letter follows the guidelines suggested by OLC.</p> <p>Recommend you sign this letter to Dr. Marik.</p> <p>/s/ John F. Blake</p> <p>John F. Blake</p>
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				

STAT

O-DD/A-EO/LRM:jl/ [ ] (17 Oct 74)

Distribution:

Orig RS - DCI w/orig att  
 1 - ER w/att  
 1 - DD/A Subject w/att\*  
 1 - DD/A Chrono w/att  
 1 - PS

\*Ltr fr DCI to Dr. Marik. OMB, subj. "Protection of Personal Privacy in Federal Information Systems"

Approved For Release 2003/06/05 : CIA-RDP84-00780R005800130011-5

10-19-74

Dr. Robert H. Marik  
Associate Director for Management  
and Operations  
Office of Management and Budget  
Washington, D. C. 20503

Dear Dr. Marik:

This is in reply to your letter, dated 27 September 1974, requesting our comments regarding a proposed OMB Circular relating to the Protection of Personal Privacy in Federal Information Systems to serve as interim guidance pending the enactment of legislation or issuance of an Executive Order.

As you undoubtedly are aware, the proposed legislation and the Executive Order, by granting access to records affecting intelligence sources and methods, do present serious security problems for this Agency. Our position has consistently been to request an exemption from most of the provisions of these proposals. This position was last confirmed to Mr. Stanley Ebner, General Counsel, OMB, by letter dated 4 September 1974 in response to his request for comments on the draft Executive Order entitled, "To Protect the Rights of Individuals with Respect to Records Maintained About Them by Federal Agencies."

Accordingly, we respectfully request that the Central Intelligence Agency be granted a similar exemption from the provisions of the proposed Circular.

Sincerely,

W. E. Colby  
W. E. Colby  
Director

STAT

O-DD/A-EO/LRM:jl [redacted] (17 Oct 74)  
Distributed ~~Approved For Release~~ 2003/06/05 : CIA-RDP84-00780R005800130011-5

Orig - Adse  
1 - DDCI  
1 - ER  
✓ 1 - DD/A Subject w/background\*  
1 - DD/A Chrono  
1 - LRM

\*1 - Memo dtd 27 Sept 74 to Heads of Exec. Depts. &  
Establishments fr AD/M&O/OMB; subj: Protection  
of Personal Privacy in Federal Information Systems (DD/A 74-38)

STATINTL

2 - Memo dtd 3 Oct 74 fr [redacted] (Chief, ISAS) (DD/A 74-3879)  
3 - Memo dtd 8 Oct 74 to AC/DDA fr D/OJCS (DD/A 74-3925)  
4 - Memo dtd 8 Oct 74 to DD/A fr D/OS (DD/A 74-3928)  
5 - Memo dtd 8 Oct 74 to DD/A fr OGC (DD/A 74-4008)  
6 - Ltr dtd 4 Sept 74 to OMB/General Counsel fr DCI

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

4 SEP 1974

Mr. Stanley Ebner, General Counsel  
Office of Management and Budget  
Washington, D. C. 20503

Dear Mr. Ebner:

This is in reply to your letter dated August 21, 1974, requesting our comments concerning a proposed Executive Order entitled, "To Protect the Rights of Individuals with Respect to Records Maintained About Them by Federal Agencies."

It is understood that the purpose of Section 5(b) of the proposed Order is to exempt the records of the Central Intelligence Agency from all provisions except for sections 2(b), 3(b), and 4(c)(1) through 4(c) (4). However, in view of the introductory phrasing of section 5, it might be argued that the exemption does not apply to CIA records disseminated to other agencies.

In the interest of clarifying this ambiguity, it is requested that Section 5 be revised along the following lines:

"Sec. 5. Except for subsections 2(b), 3(b),  
and 4(c)(1) - (4) --

"(a) the head of an agency may exempt from  
all or part of the provisions of this Order  
any portion of a system of record which is: "

[NOTE: To conform to the format of  
the proposed Order redesignate sub-  
paragraphs (a) and (c) through (g) as  
subparagraphs (1) through (6), respectively.]

"(b) systems of records, or any portion thereof, maintained or originated by the Central Intelligence Agency shall be exempt from the provisions of this Order."

With the above change, we offer no objection to the issuance of the proposed Executive Order.

Sincerely,

/s/ W. E. Colby

W. E. Colby  
Director

STATINTL

Approved For Release 2003/06/05 : CIA-RDP84-00780R005800130011-5

Approved For Release 2003/06/05 : CIA-RDP84-00780R005800130011-5

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

Executive Registry

74-5700

DD/A 7.1-3812

SEP 27 1974

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

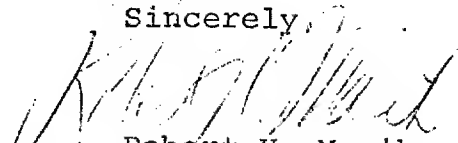
SUBJECT: Protection of Personal Privacy in Federal  
Information Systems

Enclosed for your review is a proposed OMB Circular relating to the protection of personal privacy in Federal information systems. This draft was prepared by a task force of the Domestic Council Committee on the Right of Privacy consisting of personnel from the Departments of Defense and Commerce, the General Services Administration, the Office of Telecommunications Policy and the Office of Management and Budget. It is being coordinated at the request of the Committee staff.

The draft Circular would establish rules for the protection of records containing personal data and require each agency head to establish an internal program for their implementation. As indicated in the draft, it would serve as interim guidance pending the enactment of legislation or issuance of an executive order. At such time as either a statute or an order is approved, further modifications to the Circular would likely be required.

We would appreciate your comments by October 10, 1974.

Sincerely,



Robert H. Marik  
Associate Director for  
Management and Operations

Enclosure



OMB Circular A \_\_\_\_\_

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Protection of Personal Privacy in Federal Information Systems

I. Purpose

To establish policies and procedures for assuring that personal privacy is given thorough consideration by the Executive Branch in its planning, procurement, operation and use of data processing and data communications systems and services.

II. Background

The Domestic Council Committee on the Right of Privacy determined that checks should be incorporated into Federal procedures for the planning and procurement of data processing and data communications systems and services to assure that adequate privacy safeguards are incorporated into such systems. While the specific legal and administrative requirements for protecting various types of data will continue to develop, there already exists considerable agreement on several general principles which should be followed in most instances. Concern has arisen about the continued development, expansion, modification and operation of Federal data processing and data communications systems without careful consideration of the need to apply such principles.

As a first step in responding to this concern, this Circular sets forth general principles in Section III for safeguarding privacy, and procedures in Section IV for determining

the application of these principles to each data processing or data communications system or service. These procedures are intended to be made an integral part of the process of planning, procuring and using data processing and data communications systems and services within the Executive Branch. Further guidance in the form of legislation or executive order is anticipated which will delineate additional specific requirements for safeguarding privacy with respect to record-keeping systems.

### III. Principles

A. Except as provided in Subsection B of this section, each agency utilizing automatic data processing or data communications to maintain a system of records\* shall assure that the following principles are adhered to with respect to each such system of records.

1. There must be a publicly available written statement of the existence of the system of records, of the purpose or purposes for which the information is used, and of the agencies which are given access to the records.

2. The information contained in a system of records shall be accurate and limited to that which is necessary to serve the stated purpose or purposes of the system.

3. Access to the records in a system of records must be limited only to those individuals within each stated user

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\* See definition in Section VI

agency whose duties require them to use such information to accomplish a stated purpose of the system of records.

4. No record shall be accessed by, or transferred to another agency or person, other than one of the publicly stated user agencies, or for a purpose other than the publicly stated purposes without the informed consent of the individual subject, unless all of the following criteria are met:

a. The head of the agency with custody of such records determines that such transfer is in conformance with the law and has formally authorized such transfer, in writing, for good and stated reasons; and

b. The agency with custody of such records determines that the recipient will provide safeguards equivalent to those maintained by the agency; and

c. The individual subject is notified promptly of such access or transfer; and

d. A permanent record of such access or transfer is retained by the agency with custody of such records.

5. An individual shall have access to and, if he desires, shall be able to obtain a copy of all information pertaining to him in such a system of records.

6. A procedure must exist whereby an individual can request correction of any information about him, appeal within the agency the denial of such a request, and if correction is denied further, file a statement to become part of his record setting forth the nature of the disagreement.

7. Reasonable safeguards against unauthorized access to such records shall be maintained in accordance with applicable guidelines and standards of good practice.

B. The above principles are to be adhered to except:

1. Where inconsistent with law or executive order, or

2. Where the head of an agency has determined that a deviation from these principles is in the public interest, and has clearly described the nature of the deviation and the reasons therefor in a Privacy Safeguards Plan as required below.

#### IV. Implementation

A. Each Federal department or Federal establishment will establish an Office of Record for Privacy Safeguard Plans. Such plans will be open for inspection by the public. The filing of such plans fulfills the requirement of Paragraph A.1. of Section III.

B. Each agency which plans to acquire or modify facilities or services for automatic data processing or data communications shall:

1. Determine whether such facilities or services will be used to maintain a system of records as defined herein; and
2. If such determination is negative, file a statement to that effect with the Office of Record; otherwise
3. Determine the applicability of the principles stated above to each system of records involved; and
4. Determine the system features required to implement all applicable principles; and
5. Document these determinations in a Privacy Safeguards Plan as required below.

C. Each agency which continues to maintain a system of records is required to review and document the determinations described above within four years of the date of this Circular unless this is accomplished sooner as a result of actions to procure a new system or modify an existing system.

D. Each unauthorized access or disclosure of personal information, each violation of the policies determined to be applicable to a system of records, and each significant breach of security safeguards designed to protect the confidentiality of personal information, which is detected, shall be investigated by the agency with custody of such records, and the details of the violation, the causes of the violation, and remedial action taken shall be documented and retained as a matter of record.

E. Privacy Safeguards Plans, including all of the information specified in Attachment A, will be prepared or amended, approved at the departmental level and filed with the Office of Record 30 days prior to any of the following:

1. initiation of detailed systems design or programming efforts which follow the completion of general system design; or

2. initiation of any procurement for system hardware or software for a new automated system of records; or

3. changes in system hardware, software or administrative procedures which affect persons or organizations allowed to use the personal information contained in an existing automated system of records; or

4. modification of the data elements included as personal information in an automated system of records; or

5. consolidation or linking of personal data files involving different systems of records.

F. Each Office of Record will maintain an index of ADP and data communications systems used within the department or agency, including 1) identification of those systems containing individually identifiable data and 2) cross references to applicable Privacy Safeguard Plans or negative determinations required by Section IV, B.2.

V. Responsibilities

A. Each department and Federal establishment will develop and issue instructions to implement this Circular.

B. The Secretary of Commerce will provide for development and promulgation of Federal Information Processing Standards and Guidelines for computer security deemed necessary to safeguard personal information maintained in automated systems of records.

C. The Director of the Office of Telecommunications Policy will take actions to assure that privacy safeguards are fully considered in telecommunications planning activities conducted pursuant to OTP policies and directives.

D. The Administrator of General Services will take action to assure that agency procurement requests include certifications that privacy safeguards have been fully documented in accordance with the provisions of this Circular. The Administrator will also assure that privacy safeguards are fully considered and incorporated in any GSA plans for interagency shared ADP or data communications systems.

E. The Director of the Office of Management and Budget will exercise overall policy guidance to assure that privacy safeguards are properly implemented throughout the Executive Branch.

VI. Definitions

A. System of records means a collection or grouping of personal information preserved for future reference or use which is indexed or otherwise organized so as to permit such information to be retrieved by reference to the names of individuals or some identifying numbers or symbols associated with them, and is maintained utilizing automatic data processing or data communications.

B. Personal information means any information which can be associated with identifiable individuals through the use of names, addresses, social security numbers or other similar items or characteristics.

C. Purpose means the legally authorized function(s) performed by an agency, which the system is designed to support.

D. Stated means set out in a Privacy Safeguards Plan.

Attachment



Outline of Contents  
Privacy Safeguards Plan

1. Identification

1.1 Name of agency

1.2 Identification of ADP/data communications system covered by this plan.

1.3 Identification of offices responsible for system development, and operation.

2. Purpose

State the purpose for each system of records containing personal information which will utilize the ADP/data communications system, and the statutory or other authority to collect and maintain information for this purpose.

3. Content

3.1 Define each element of information contained in each system of records, and the relationship of each element to the purpose of the system.

3.2 State the approximate number of individuals on whom records will be maintained for each system of records.

3.3 State the time period for which the records will be retained, and the procedure for final disposition of the records.

#### 4. Agency Access

4.1 Identify those agencies of the Federal Government, and any other organizations, which will be granted access to personal data in each system of records, or to whom such data may be transferred upon request. State the statutory or other basis for such access or transfer, and any criteria used to determine whether access or transfer will be permitted by such agencies or organizations.

4.2 Describe the procedures which will be used for obtaining informed consent or for implementing the requirements for authorization, safeguards determination, notification and recording of any release of personal information to agencies or organizations other than those identified in 4.1 above.

#### 5. User Access

5.1 State what limits will be placed on access to personal information in each system of records, within each user agency or organization, to assure that it is accessed only by those individuals whose duties require them to use the information.

5.2 Identify the design features which will be included in the design of ADP/data communications systems to implement the limits described in Section 5.1.

6. Individual Subject Access

6.1 Describe the procedures whereby an individual may obtain access to and, if desired, a copy of all information pertaining to him in each system of records.

6.2 Describe the procedures whereby an individual can request correction of information about him, appeal such request, or file a statement in the system concerning any disagreement.

7. Unauthorized Access

Identify the system design features and other safeguards and procedures which will be used to prevent unauthorized access to personal data contained in each system of records, and the estimated cost of these features.


8. Deviation

Describe the authority or justification for any deviations from the principles contained in Section III. A. of this Order.

STATINTL

Approved For Release 2003/06/05 : CIA-RDP84-00780R005800130011-5

Approved For Release 2003/06/05 : CIA-RDP84-00780R005800130011-5

UNCLASSIFIED		CONFIDENTIAL		SECRET	
<b>OFFICIAL ROUTING SLIP</b>					
<b>TO</b>	<b>NAME AND ADDRESS</b>	<b>DATE</b>	<b>INITIALS</b>		
1	Assistant for Coordination	10/2	YJ		
2					
3					
4					
5					
6					
<b>ACTION</b>		<b>DIRECT REPLY</b>	<b>PREPARE REPLY</b>		
<b>APPROVAL</b>		<b>DISPATCH</b>	<b>RECOMMENDATION</b>		
<b>COMMENT</b>		<b>FILE</b>	<b>RETURN</b>		
<b>CONCURRENCE</b>		<b>INFORMATION</b>	<b>SIGNATURE</b>		
<b>Remarks:</b> In line with the discussion of 1 October, please assume DD/A action responsibility, coordinating with OP, OS, OJCS and other Agency elements as you consider appropriate. I have attached some related background, and defer to you whether [redacted] can get us some relief from the OMB deadline of 10 October. ES has an 8 October suspense at this point.  Suspense: 7 October 1974.  <div style="text-align: center;">                       LJD                 </div> Att: DD/A 74-3812 + background (DD/M&S 73-3364)					
<b>FOLD HERE TO RETURN TO SENDER</b>					
<b>FROM: NAME, ADDRESS AND PHONE NO.</b>					<b>DATE</b>
Executive Office of the President					
UNCLASSIFIED		CONFIDENTIAL		SECRET	

STATINTL

STATINTL

Approved For Release 2003/06/05 : CIA-RDP84-00780R005800130011-5

Approved For Release 2003/06/05 : CIA-RDP84-00780R005800130011-5

Approved For Release 2003/06/05 : CIA-RDP84-00780R005800130011-5

OJCS 1419-74  
8 OCT 1974

MEMORANDUM FOR: Assistant for Coordination/DDA

SUBJECT : OMB Memo, 27 September 1974

1. The proposed OMB Circular on the Protection of Personnel Privacy in Federal Information Systems, if enacted,\* would directly impact the creation, maintenance and use of computer-based files in six specific areas. These impacts are detailed below:

a. It would be necessary to provide, for each pertinent file, a program to select and list specified records (Para III A 5). For some files this capability already exists.

b. It would be necessary to provide, for each pertinent file, a program to list the name and address of each person in the file, so that they could be notified promptly each time a file is accessed by or transferred to another Agency or person, other than one of the publicly-stated user Agencies (Para III A 4 c). For most files this capability does not exist, and in fact, many files do not even contain a current mailing address of the individual. This would call for the creation of shadow files which supplement information in the main files, or for the expansion of main file record sizes to accommodate the additional required information.

c. Each time a record is accessed by or transferred to an Agency, other than one of the publicly stated user Agencies, a permanent record of such access or transfer must be retained by the custodian Agency (Para III A 4 d). This would call for the creation of shadow files which supplement information in the main files, or for the expansion of main file record sizes to accommodate the additional required information.

d. A procedure must exist whereby an individual can request correction of any information about him, appeal within the Agency the denial of such a request ("Sorry, Mr. Vladimir, as far as we're concerned, you are a KGB agent"), and if correction is denied, file a statement to become part of his record setting

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\*The force of this Circular is unclear - there are no stated penalties for non-compliance, and the role of OMB seems to be changing over time.

forth the nature of the disagreement ("I am not a KGB agent"). (Para III A 6). This would call for the creation of shadow files which supplement information in the main files, or for the expansion of main file record sizes to accommodate the additional required information.

e. A record must be maintained of any unauthorized access or disclosure of personal information (Para IV D). This would call for the creation of shadow files which supplement information in the main files, or for the expansion of main file record sizes to accommodate the additional required information.

f. Privacy safeguard plans must be specified well in advance of the use of personal information (Para IV E). These plans would be made at system design time, involving significant effort by the computer analyst creating the system.

2. Depending on the size and use of a system of records, the implementation of items a - f above, would add from 25 to 300 percent to the system cost. The increased costs would be inversely proportionate to the complexity of the system, i.e., the cost of a very large, complex system would be little affected by these personnel privacy considerations.

3. There are some fuzzy areas in this Circular - for example, does a system of records (Para VI A) include paper files referenced by a computer-based file? Does this Circular apply only to personal privacy considerations of U. S. Nationals; does it include aliens in the U. S. or Foreign Nationals? In Attachment A to the Circular, mention is made of possible deviations from the principles contained in Para III A, but no mention of how these deviations are adjudicated. Although the circular calls for notification to persons named in a file when this file is accessed or transferred to another Agency or person, it does not call for notification when a record is added to a file, or when the file is created. Thus, a person might only discover he was part of a file when notified that some other Agency had access to the file in question. The careful reader will probably detect other such incongruities.

[Redacted Signature Box]

HARRY E. FITZWATER  
Director of Joint Computer Support

STATINTL



8 OCT 1974

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT : Protection of Personal Privacy in  
Federal Information Systems

REFERENCE : OMB Memorandum to the Heads of  
Executive Departments and Establish-  
ments, Same Subject, dtd 27 September 1974

1. This memorandum is for information only.
  2. Pursuant to your request, we have reviewed the proposed OMB circular relating to the Protection of Personal Privacy in Federal Information Systems referenced above.
  3. The Office of Security currently operates the following automated personal data information systems which would appear to fall within the scope of the provisions of the OMB circular:
    - CENBAD (Central Badging System)
    - SPECLE (Special Clearance System)
    - OSCCAR (Office of Security Case Control and Reporting System)
    - SANCA (Security Automated Name Check Activity)
    - SEADORS (Security Automated Dossier Retirement System)
    - Holabird Data Link
- Indirectly, all of our security dossiers and polygraph files as well as smaller file holdings within the Office of Security may also be considered to come under the provisions of the OMB circular.
4. While we support the concept of the proposal put forward by the OMB, nevertheless, we believe that in the interest of national security the DCI would necessarily exercise the authority granted to him (as an agency head) in Section III B of the proposed circular to make exceptions for certain Office of Security files from some of the requirements as set forth. In particular,

the provision of Section III A 5 granting the right of access to individual file subjects to all information in their respective files in our view would seriously impair our ability to collect investigative material or at the very least would make administratively more difficult the maintenance of such material.

5. The implementation of the required Privacy Safeguards Plan would obviously constitute a considerable administrative task and would necessitate the commitment of manpower and monetary resources beyond those available within present constraints.



*for* Charles W. Kane  
Director of Security

STATINTL

Approved For Release 2003/06/05 : CIA-RDP84-00780R005800130011-5

OGC 74-1814  
8 October 1974

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT: OGC Comments on Proposed Office of Management  
and Budget Circular Entitled "Protection of Personal  
Privacy in Federal Information Systems"

1. It is the opinion of this Office that the subject circular is objectionable because the Agency is not given a specific exemption from its provisions. Instead, the draft provides that its provisions will not apply (1) if inconsistent with law or executive order, or (2) when the head of an agency determines that a deviation from the provisions is in the public interest and specifies the nature of the deviation and the reasons therefore in a required Privacy Safeguard Plan. Since all systems of records utilized by the Agency are either classified or subject to exclusion upon a permissible determination by the Director, the general exemption imposes an unnecessary burden upon CIA for implementation of the circular. In addition, the concept of a Privacy Safeguard Plan (Attachment A to draft circular) is extremely broad and demands information and data which this Agency is obligated to protect from unauthorized disclosure.

2. It is the opinion of this Office that the Agency should be given a specific exemption from all provisions of the circular. However, at a minimum, the Agency should be exempt from all provisions that go beyond the provisions of the proposed Executive Order which were unobjectionable to this Office. Those provisions are:

a. a requirement that information used by an agency to make determination about individuals be accurate, relevant, timely, and as complete as reasonably necessary to assure fairness to the individual;

b. a requirement that records or information contained therein not be disclosed within the agency other than to employees who have a need for the record or information in the performance of their duties; and

c. a requirement that the agency publish annually in the Federal Register a notice of the existence and character of its systems of records to include:

- (1) the name of the system;
- (2) the categories of individuals on whom records are maintained;
- (3) the categories of information maintained; and
- (4) the policies and practices of the agency regarding storage, retention, and disposal of the records.

Logic and consistency seem to suggest that the OMB circular should track the proposed Executive Order which has previously been submitted for comment.



Office of General Counsel

STATINTL

Executive Registry
74-2722/1

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

OLC 74-1856/a

4 SEP 1974

Mr. Stanley Ebner, General Counsel  
Office of Management and Budget  
Washington, D. C. 20503

Dear Mr. Ebner:

This is in reply to your letter dated August 21, 1974, requesting our comments concerning a proposed Executive Order entitled, "To Protect the Rights of Individuals with Respect to Records Maintained About Them by Federal Agencies."

It is understood that the purpose of Section 5(b) of the proposed Order is to exempt the records of the Central Intelligence Agency from all provisions except for sections 2(b), 3(b), and 4(c)(1) through 4(c) (4). However, in view of the introductory phrasing of section 5, it might be argued that the exemption does not apply to CIA records disseminated to other agencies.

In the interest of clarifying this ambiguity, it is requested that Section 5 be revised along the following lines:

"Sec. 5. Except for subsections 2(b), 3(b),  
and 4(c)(1) - (4) --

"(a) the head of an agency may exempt from  
all or part of the provisions of this Order  
any portion of a system of record which is: "

[NOTE: To conform to the format of  
the proposed Order redesignate sub-  
paragraphs (a) and (c) through (g) as  
subparagraphs (1) through (6), respectively.]

"(b) systems of records, or any portion thereof, maintained or originated by the Central Intelligence Agency shall be exempt from the provisions of this Order."

With the above change, we offer no objection to the issuance of the proposed Executive Order.

Sincerely,

/s/ W. E. Colby

W. E. Colby  
Director

Distribution:

Original - Addressee

1 - DCI

1 - DDCI

1 - ER

1 - OLC Subject file (H. R. 12206)

1 - OLC OMB Liaison file

1 - OLC Chrono

OLC/PLC:bao (4 Sep 74)

PPB 73-10-12  
DD/M&S 73-3363  
R.R. # 73-4674/1  
**DD/M&S Registry**  
**File** Q+M 2-2

21 August 1973

**MEMORANDUM FOR:** Acting Director of Central Intelligence

**SUBJECT:** Automated Personal Data Files

1. The attached report proposes five principles governing automated files on individual American citizens. It recommends federal legislation to reflect these five principles. (The principles are listed in Mr. Weinberger's letter to you, q.v.). Weinberger and Elliott Richardson are now pursuing the development of some form of legislation.

2. CIA's present handling of automated personal data files is not in compliance with the five principles.

3. I have touched base with Larry Houston, Charlie Kane (Security) and Jack Blake (Personnel). Larry has drafted a response with which I agree (attached) which gets on record early our interest in participating in a review of existing law, etc. as a prelude to possible exception requests.

4. I suggest that the Office of the General Counsel be the focal point for this matter as it evolves.

/s/ Charles A. Briggs

Charles A. Briggs  
Information Processing Board

ILLEGIB

Approved For Release 2003/06/05 : CIA-RDP84-00780R005800130011-5

Approved For Release 2003/06/05 : CIA-RDP84-00780R005800130011-5



24 Aug 1973

The Honorable Caspar W. Weinberger  
Secretary of Health, Education, and Welfare  
Washington, D.C. 20201

Dear Mr. Weinberger:

Thank you for forwarding to me your report on automated personal data systems entitled Records, Computers, and the Rights of Citizens. The report faces a fundamental issue of obvious importance and deep concern to both public and private organizations.

In the body of the report, in connection with personal-data record-keeping systems, a distinction is made between administrative systems and statistical reporting and research. A further distinction is made as to that portion of the administrative records which is termed "intelligence records." The report notes that intelligence records which are kept as a basis for determining suitability of employment, clearance for access to classified national security information, and similar purposes may have their utility weakened if all the safeguard requirements were applied to all types of intelligence records. This is an area in which this Agency would be particularly concerned, and we agree that the process of considering exceptions for intelligence systems would entail a careful review of existing policy, laws, and practices covering the creation, maintenance, and use of intelligence records about individuals. We believe it essential that this Agency and others with similar functions participate in any such review. Since the Department of Health, Education, and Welfare is now developing legislation and regulations concerning systems within the reach

of the Department's authority, it is apparent that the overall review of intelligence records will take place in a broader forum. I agree, however, that the report is a useful guide for deliberation and action on the important public policy issues it addresses.

Sincerely,

*/s/ Vernon A. Walters*  
Vernon A. Walters  
Lieutenant General, USA  
Acting Director

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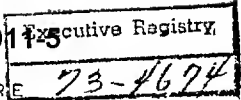
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THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE  
WASHINGTON, D. C. 20201



DD/M&S

73-2257

August 9, 1973

Honorable Vernon A. Walters  
Deputy Director, Central Intelligence  
Agency  
Washington, D. C. 20504

Dear Mr. Walters:

I am pleased to be able to forward to you the enclosed report on issues attending the use of computers and telecommunications technology to keep records about individual Americans. Entitled Records, Computers, and the Rights of Citizens, the report was prepared for me by a public advisory committee that Attorney General Richardson appointed in the Spring of 1972 while he was Secretary of Health, Education, and Welfare. It represents the considered views and recommendations of a group of knowledgeable and concerned citizens who have conducted a year-long examination of record-keeping practices associated with the operation of automated personal data systems by public and private organizations.

In my opinion, as I have stated in making the report available to the press, the principles underlying the "safeguard requirements" recommended by the Committee are sound. Computers linked together through high-speed data transmission networks are fast becoming the chief means of making, storing, and using records about people. If properly conceived and operated, this application of electronic data processing technology promises substantial social benefit. However, because automated systems tend to increase the frequency and intensity of our reliance on recorded information, it is important that we have adequate mechanisms for assuring citizens all the protections of due process in relation to the records we maintain about them.

The principles of fair record-keeping practice formulated by the Committee are the following:

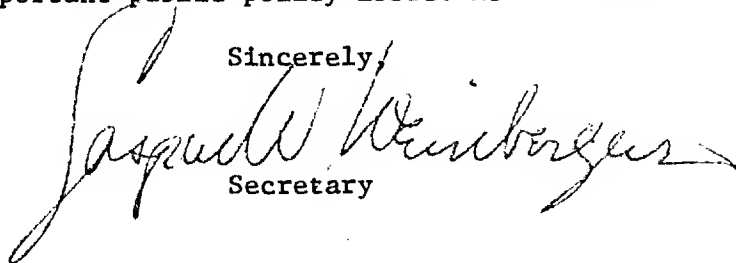
- o There must be no personal-data record-keeping systems whose very existence is secret.

Page 2 - Honorable Vernon A. Walters

- o There must be a way for an individual to find out what information about him is in a record and how it is used.
- o There must be a way for an individual to prevent information about him obtained for one purpose from being used or made available for other purposes without his consent.
- o There must be a way for an individual to correct or amend a record of identifiable information about him.
- o Any organization creating, maintaining, using, or disseminating records of identifiable personal data must assure the reliability of the data for their intended use and must take reasonable precautions to prevent misuse of the data.

The Department of Health, Education, and Welfare is now developing legislation and appropriate administrative regulations to assure that these five principles govern the operation of all automated personal data systems within reach of the Department's authority. I hope that you also will find the Committee's report a useful guide to deliberation and action on the important public policy issues it addresses.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joseph W. Weinberger", written in a cursive style. The signature is positioned over the typed name "Joseph W. Weinberger" and the title "Secretary".

Secretary

Enclosure